

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 2:05-cr-119-MEF
)	
GARY MACK ROBERTS)	

ORDER

This cause is before the Court on Defendant Gary Mack Roberts' Motion *in Limine* to Exclude Statements of Co-Defendants, Alleged Co-Conspirators and Accomplices (Doc. # 272). Upon consideration, it is hereby ORDERED that the motion is CONDITIONALLY GRANTED. As stated in the Court's March 15, 2006 Order on Defendants' motions for a James hearing (Doc. # 234), the United States is required to inform the Court and opposing counsel before tendering any co-conspirator, co-defendant, or accomplice statement during trial. The Court will then determine out of the presence of the jury whether to proceed or whether it is preferable at that point in the trial to put the government to its burden of proof. In that regard the Court may require, and the government should be prepared to make, a full proffer of the evidence supporting the introduction of a co-conspirator, co-defendant, or accomplice statement.

DONE this the 12th day of April, 2006

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE